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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,090	02/18/2004	Wayne H. Rothschild	47079-00244USPT	4781
70243	7590	12/26/2007		
NIXON PEABODY LLP 161 N CLARK ST. 48TH FLOOR CHICAGO, IL 60601-3213			EXAMINER HALL, ARTHUR O	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 12/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/782,090	ROTHSCHILD, WAYNE H.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Arthur O. Hall	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-35, 37, 39-46, 48, 49, 52-55 and 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-35, 37, 39-46, 48, 49, 52-55 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

Examiner acknowledges applicant's amendment of claims 1, 24, 37, 41, 43, 52 and 57, cancellation of claims 4-6, 36, 38, 47, 50-51, 56 and 58-71 in the Response dated 11/5/2007 to Non-final Office Action dated 8/2/2007. Claims 1-3, 7-35, 37, 39-46, 48-49, 52-55 and 57 are pending in the application and subject to examination as part of this office action.

Examiner acknowledges that applicants arguments in the Response dated 11/5/2007 directed to the rejection set forth under 35 U.S.C. 103(a) in the Non-final Office Action dated 8/2/2007 are deemed moot in light of a new ground of rejection under 35 U.S.C. 103(a) as set forth below.

Examiner acknowledges applicants' confirmation of election of Species I, claims 1-49 and 52-57, without traverse, during the telephone conversation between the attorney of record for the present application and the Examiner on 7/28/2007.

***Claim Rejections - 35 USC § 103***

Examiner incorporates herein by reference the grounds of rejection of the claims under 35 U.S.C. § 103(a) as described in the Non-final Office Action dated 8/2/2007 because the scope of the claims in the Response dated 11/5/2007 is substantially the same as the scope of the claims examined in the Non-final Office Action dated 8/2/2007 with the exception of certain amended features, and sets forth new grounds of rejection under 35 U.S.C. § 103(a) with respect to amended features as described below

because each of the features of applicant's claimed invention as amended continues to be unpatentable or obvious over the prior art.

Claims 1-49 and 52-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick et al. (US Patent 6,135,884; hereinafter Hedrick) in view of Wurz et al. (US Patent 6,334,612 B1; hereinafter Wurz), and even further in view of O'Donovan et al. (US Patent Application Publication 2003/0195031; hereinafter O'Donovan).

Hedrick and Wurz substantially teach features of the claimed invention as described in the Non-final Office Action dated 8/2/2007.

Regarding claims 1, 37, 41, and 43, Hedrick further teaches that the secondary display is outfitted with a touch screen for providing variable game-play inputs depending on a current state of said wagering game, the secondary display acting in unison with said mechanical reels for displaying information related to said randomly selected game outcome (column 15, lines 28-54 and column 17, lines 10-38, Hedrick; a secondary display allows the user to select via touch screen inputs for access to a pay table for multiple game play prior to play of the game in which the secondary display displays game outcome information to the player in cooperation with mechanical spinning reels).

However, Hedrick alone or in combination with Wurz does not substantially teach a denomination selection menu as claimed. Therefore, attention is directed to O'Donovan, which teaches that the variable game-play inputs include a denomination selection menu prior to conducting said wagering game (paragraphs 0022 and 0027, O'Donovan; game play inputs selected by the player are for certain bet denominations made before the player is prompted to play the game).

O'Donovan suggests that a device that provides a player with the ability to increase their bet denomination on a gaming machine they are currently so that the player does not have to incur the difficulty involved in changing gaming machines will keep the player's interest in continued play of the game (paragraphs 0004 and 0005, O'Donovan).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Hedrick in view of the teachings of Wurz, and further in view of the teachings of O'Donovan for the purpose of exchanging the interchangeable or upgradeable secondary display features of Hedrick alone or in combination with Wurz with the denomination selection features of O'Donovan in order to keep the player's interest in continued game play by allowing the player to increase their bet denomination on the gaming machine they are currently play, thereby removing the complications of changing gaming machines.

Regarding claims 24 and 52, the scope of the claims for the method of operating the system would be inherent with respect to claims 1, 37, 41 and 43 above in view of the structure disclosed by Hedrick, Wurz and O'Donovan since the method is the normal and logical manner by which the system could be employed.

Regarding claims 2-3, 7-23, 25-35, 39-40, 42, 44-46, 48-49, 53-55 and 57, the claims are rejected for the reasons described above and for the reasons described in the Non-final Office Action dated 8/2/2007.

***Response to Arguments***

Applicant's arguments filed in the Response dated 11/5/2007 with respect to Examiners' rejection under 35 U.S.C. § 103(a) have been considered fully and are moot in light of a new ground of rejection under 35 U.S.C. 103(a) as set forth above in view of applicants amendments.

Regarding applicants arguments and amendments concerning claims 1-3, 7-35, 37, 39-46, 48-49, 52-55 and 57 rejected as unpatentable or obvious under 35 U.S.C. § 103(a):

Applicant's argue substantially that Hedrick and Wurz do not disclose variable game-play inputs having a denomination selection menu prior to conducting the wagering game and other features as described above. Examiner submits that Hedrick alone or in combination with Wurz, and further in view of O'Donovan disclose the

denomination selection menu features as described above. Examiner has provided the rejection under 35 U.S.C. § 103(a) above in view of applicant's limited disclosure of a denomination selection menu described in paragraph 0026 in the disclosure of the specification.

Examiner has provided the above new grounds of rejection of the claims under 35 U.S.C. 103(a) because each of the features of applicant's claimed invention continues to be unpatentable or obvious over the prior art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

B US-5,277,424, Wilms

C US-2005/0049037 A1, Anderson et al.

D US-6,802,510 B1, Haber

E US-6,656,040 B1, Brosnan et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur O. Hall whose telephone number is (571) 270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH

12/19/2007

  
John Hotaling  
Primary Examiner